

Trion James v. Port Authority Police Department, Port Authority of New York and New Jersey, Edward Cetnar (in his official capacity), Christopher McNerney (in his official capacity), and Does 1-5

Civil No.: 1:22-cv-02463-PGG

EXHIBIT N

In the Matter Of:

JAMES vs PORT AUTHORITY POLICE DEPT.

1:22-cv-02463-PGG

JACKSON STURKEY

March 22, 2023



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JACKSON STURKEY
JAMES vs PORT AUTHORITY POLICE DEPT.

March 22, 2023

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1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4 TRION JAMES,

5 PLAINTIFF,

6 -against-

Case No.:

7 1:22-cv-02463-PGG

8 PORT AUTHORITY POLICE DEPARTMENT, PORT
9 AUTHORITY OF NEW YORK AND NEW JERSEY,
10 EDWARD CETNAR (in his official capacity),
11 CHRISTOPHER MCNERNEY (in his official
12 capacity), and DOES 1-5,

13 DEFENDANTS.

14 DATE: March 22, 2023

15 TIME: 11:19 A.M.

16
17
18 DEPOSITION of a non-party
19 witness, JACKSON STURKEY, taken by the
20 Respective Parties, pursuant to Subpoena
21 and to the Federal Rules of Civil
22 Procedure, held at the offices of
23 BALESTRIERE FARIELLO, 225 Broadway, New
24 York, New York 10007, before Dione Woods, a
25 Notary Public of the State of New York.

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A P P E A R A N C E S:

BALESTRIERE FARIELLO
Attorneys for the Plaintiff
TRION JAMES
225 Broadway
New York, New York 10007
BY: RUTH CHUNG, ESQ.
Of Counsel

THE PORT AUTHORITY OF NEW YORK AND NEW
JERSEY
Attorneys for the Defendant
PORT AUTHORITY POLICE DEPARTMENT, PORT
AUTHORITY OF NEW YORK AND NEW JERSEY
4 World Trade Center
New York, New York 10006
BY: MEGAN LEE, ESQ. and
ANDREW RAFALAF, ESQ.

* * *

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F E D E R A L S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED by and between the counsel for the respective parties herein that the sealing, filing and certification of the within deposition be waived; that the original of the deposition may be signed and sworn to by the witness before anyone authorized to administer an oath, with the same effect as if signed before a Judge of the Court; that an unsigned copy of the deposition may be used with the same force and effect as if signed by the witness, 30 days after service of the original & 1 copy of same upon counsel for the witness.

IT IS FURTHER STIPULATED AND AGREED that all objections except as to form, are reserved to the time of trial.

* * * *

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1 J. STURKEY

2 J A C K S O N S T U R K E Y, called as a
3 witness, having been first duly sworn by a
4 Notary Public of the State of New York, was
5 examined and testified as follows:

6 EXAMINATION BY

7 MS. CHUNG:

8 Q. Please state your name for the
9 record.

10 A. Jackson Sturkey.

11 Q. What is your address?

12 A. 317 Van Siclen Avenue,
13 Brooklyn, New York 11207.

14 Q. Hi, Mr. Sturkey. My name is
15 Ruth Chung and I'm the attorney, of Counsel
16 for the case you're here for today. I have
17 to ask you a few questions. One, are you
18 talking any medications or do you have any
19 other medical condition that may affect
20 your ability to read documents that may be
21 shown to you during the course of the
22 deposition?

23 A. No.

24 Q. I'm gonna ask you a couple of
25 questions. Please make sure you listen

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2 carefully respond afterwards, only after I
3 have finished the question. If we don't
4 wait for one another's full /WAE LTD the
5 court reporter cannot record it properly
6 into the record, okay?

7 A. (Indicating.)

8 Q. You have to answer, verbally.

9 A. Yes.

10 Q. When you answer a question your
11 answers have to be verbal and cannot be
12 nonverbal such as head nods or shakes. You
13 have to say your answer verbally so that it
14 can be recorded on the record.

15 A. I understand.

16 Q. When I ask you questions I
17 would like your current recollection, I do
18 not want you to guess. If you do not
19 understand a question, please let me know
20 and I will try to rephrase it differently
21 so that you understand what I've asked,
22 okay?

23 A. Okay.

24 Q. If you need a break at anytime
25 just ask and you can have one. I just ask

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2 that if there is a question pending before
3 you that you answer the question before you
4 take a break; does that make sense?

5 A. Yes.

6 Q. Mr. Sturkey, how many times
7 have you been deposed before?

8 A. This is the first time.

9 Q. Have you ever testified before?

10 A. No, I have not.

11 Q. Did you prepare for today's
12 deposition?

13 A. No.

14 Q. What is your highest level of
15 education?

16 A. I have a Bachelor's degree in
17 musical theatre performance from Penn State
18 University.

19 Q. Are you pursuing any education
20 now?

21 A. No.

22 Q. Where do you currently work?

23 A. I'm working at the One World
24 observatory. I am a observatory
25 ambassador.

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2 Q. How long have you been in this
3 position?

4 A. I been in this position, I
5 believe, since May of 2021.

6 Q. Did there come a time that you
7 worked anywhere else in the year 2021?

8 A. Yes, before that I was working
9 as a host at ONE Dine.

10 Q. In October of 2021, where would
11 you say you were working?

12 A. I been working as a host at ONE
13 Dine which is the restaurant at the One
14 World Observatory.

15 Q. Do you recall anything from
16 October 21, 2021?

17 A. I do.

18 Q. What do you recall?

19 A. There was an incident that
20 happened where a customer was passed the
21 time that they had for the reservation.
22 They called and I let them know that I
23 could move the reservation to another day,
24 but there was no entry at that point
25 because security had closed.

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2 And then, beyond that, it would
3 just be what I heard, but nothing else that
4 I witnessed.

5 Q. When you spoke to the guest,
6 how did you speak to the guest?

7 MR. RAFALAF: Objection.

8 A. They called the restaurant.

9 Q. Is it fair to say that you
10 spoke to the guest on the phone?

11 A. Yes.

12 Q. What, if anything, did the
13 guest respond to you?

14 A. Um, when they called they said
15 they were going to be late for the
16 reservation, but by the time they called,
17 they were already late. We have a 15
18 minute grace period when it comes to
19 reservations.

20 So, they had called at least
21 half an hour, maybe, 40 minutes after the
22 reservation time. I was able to pull up
23 their reservation and let them know they
24 could move it to another day. There aren't
25 any charges or fees for anything like that.

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2 Um, and then they -- and I let
3 them know that once security closes
4 downstairs there's no more entry for the
5 restaurant or the observatory. And then
6 they said that they worked with the police
7 department at Port Authority and I let them
8 know, you know, once security closes
9 there's no getting in.

10 They became -- they said to me
11 that they would be able to get in and then
12 they were sort of dismissive of what I had
13 said to them previously and they ended up
14 hanging up on me and there was nothing
15 further that I could do for them.

16 Q. Is there anything else you
17 would like to tell me about that day?

18 A. No, it was kind of a
19 self-contained thing just at the end of my
20 day.

21 MS. CHUNG: I think that's all
22 I have.

23 MR. RAFALAF: Okay. Take five
24 minutes.

25 (Whereupon, a short recess was

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2 taken.)

3 EXAMINATION BY

4 MR. RAFALAF:

5 Q. Good morning. My name is
6 Andrew Rafalaf.

7 A. Good morning.

8 Q. I am an attorney with the Port
9 Authority law department and I'm
10 representing the Port Authority together
11 with Defendants in this matter. Just to
12 confirm, when you respond to my questions
13 please do so audibly so that the court
14 reporter can hear you. And, if there's
15 anything you don't understand, please let
16 me know.

17 If there's a question that you
18 don't really understand let me know and
19 I'll rephrase it.

20 A. Understood.

21 Q. Before today have you met with
22 any lawyers at this law firm?

23 A. Yes. Yeah. I was -- I
24 Subpoenaed to come in, I believe, last
25 Friday at 2:00 P.M. I didn't realize that

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2 I was -- when I received the Subpoena I
3 didn't follow up, like, with a phone call
4 or e-mail or anything. I just showed up.
5 Because this was the first time that this
6 happened. So, I wasn't sure, you know,
7 what the process was. So, I'm not -- I
8 briefly met with a lawyer at this firm,
9 previously.

10 Q. Do you know the lawyer that you
11 met with here?

12 A. This is who I met with. I'm
13 sorry.

14 MR. RAFALAF: Let the record
15 reflect that the deponent is pointing
16 to Ms. Ruth Chung. Plaintiff's
17 Counsel.

18 Q. How long did you meet with Ms.
19 Chung?

20 A. Less than 30 minutes.

21 Q. Just so I understand correctly.
22 You came to the office in response to the
23 Subpoena you received; is that correct?

24 A. Yes.

25 Q. Ms. Chung did not call you

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2 beforehand or seek to speak to you?

3 A. No.

4 Q. What did you discuss with Ms.
5 Chung when you were here for less than 30
6 minutes?

7 A. Um, well the first thing that
8 she made clear was that she is not my legal
9 Counsel and then we covered, essentially,
10 what we covered right now. I talked a
11 little bit more in depth about the
12 operation, the reason that I -- I was not
13 sure what the -- I wasn't sure why I was
14 getting -- I wasn't sure why I was
15 Subpoenaed. The only reason I remember
16 today, October 2021, was because of that
17 previous conversation I hadn't thought of
18 it subsequently.

19 Q. Other than that fact, the date,
20 are there any other fact that you had
21 previously forgotten but reminded of during
22 your meeting with Ms. Chung?

23 A. Yes, I was reminded that I had
24 been interviewed by Port Authority police
25 after the incident. So, there was a -- I

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2 had given them a statement after the
3 incident took place. Um, and just also the
4 incident itself taking place, I believe. I
5 just haven't thought about. It happened,
6 like, two years ago.

7 You know, working in a
8 restaurant you deal with lots of customers
9 and then because of where the restaurant
10 is, you know, there is someone who comes in
11 from Paris, Texas, Japan and if you're
12 late. You're late.

13 So, you know, you deal with a
14 lot of customers who are upset. It's just
15 sort innocuous of being another incident
16 that fell under that category.

17 Q. So, the Plaintiff here,
18 Sergeant Trion James, was another one of
19 those irate customers, correct?

20 A. Yes.

21 Q. I just want to confirm that in
22 your testimony earlier and in your
23 discussion with Ms. Chung earlier today,
24 the incident that we're discussing on
25 October 21st of 2021, do you know who the

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2 guest customer was who became irate on that
3 day?

4 A. I only -- only as a customer.

5 Like, you know, so we book all of our
6 reservation through OpenTable.com and that
7 would just be only under whoever's name.

8 And so, I know the first name Trion James
9 but I don't know him outside of that day.

10 That's the only interaction I had with him
11 was on that day except either the day after
12 or two days after he booked another
13 reservation.

14 And, when he booked his second
15 reservation, either the day after or two
16 days after, I brought it to the attention
17 of my management and it was brought to the
18 attention of whoever the security manager
19 was on duty. Just because I was aware that
20 there had been whatever incident
21 downstairs. Because when it comes to the
22 restaurant I'm on the 102nd floor and so,
23 working as a host, I don't have
24 interactions with those who are entering
25 outside of my responsibility and so -- so

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2 then, yeah.

3 The second -- subsequently,
4 when he booked the reservation again and it
5 was brought to my attention because I had
6 been told by the security managers that he
7 had been banned from the building.

8 Q. Do you know if any action was
9 taken with regards to this second
10 reservation booked by Mr. Trion James --
11 Sergeant Trion James?

12 A. I think he was just contacted
13 to know that he wasn't allowed in the
14 building.

15 Q. Do you know who contacted him?

16 A. It would have been one of the
17 security managers on duty.

18 Q. Okay. Are you aware of any
19 action that was taken after you notified
20 your supervisors of Sergeant James' second
21 reservation?

22 A. Um, no. No.

23 Q. Okay. I'm going to hand a
24 document to you which we will mark as M.

25 (Whereupon, transcript was

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2 deemed marked as Plaintiff's Exhibit
3 M for identification as of this date
4 by the Reporter.)

5 Q. Mr. Sturkey, if you can just
6 take your time. Just review that document
7 that I just handed to you, okay?

8 A. (Perusing document.)

9 Q. Mr. Sturkey. I'm going to ask
10 him, if you wouldn't mind reading this copy
11 which is the marked exhibit. It's
12 identical to the document. Same for
13 marking purposes. If I can just put on the
14 record that the document that Mr. Sturkey
15 is reviewing is a transcript of Mr.
16 Sturkey's interview with Port Authority
17 police on October 25, 2021.

18 A. (Perusing document.) Okay. I
19 finished reading it.

20 Q. I just want to confirm you were
21 provided ample time to read the document?

22 A. Yes, I have.

23 Q. You don't feel like you were
24 rushed, correct?

25 A. No.

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2 Q. Have you ever seen this
3 document before?

4 A. No.

5 Q. When you met with Ms. Chung
6 were you shown any documents?

7 A. No, I was not.

8 Q. This document is a transcript
9 of the taped recording of your meeting
10 interview with Detective Louis Morales and
11 Detective Lieutenant Victoria Lubeck on
12 October 25, 2021; do you recall that
13 meeting?

14 A. I do.

15 Q. Having reviewed this
16 transcript, does it accurately reflect what
17 you told the detectives at that meeting?

18 A. Yes, it does.

19 Q. And then, just to confirm,
20 earlier when you were speaking with Ms.
21 Chung, when she was asking you questions
22 and when you were discussing this October
23 21, 2021 incident, the customer as you now
24 know it, was Trion James, correct?

25 A. Yes.

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2 Q. And it was Sergeant Trion James
3 who attempted to gain access to ONE Dine on
4 that evening of October 21, 2021?

5 A. Yes.

6 MR. RAFALAF: We're good.
7 Thank you so much for coming in
8 today.

9 (Whereupon, at 11:42 A.M., the
10 Examination of this witness was
11 concluded.)

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1 J. STURKEY

2 D E C L A R A T I O N

3
4 I hereby certify that having been
5 first duly sworn to testify to the truth, I
6 gave the above testimony.

7
8 I FURTHER CERTIFY that the foregoing
9 transcript is a true and correct transcript
10 of the testimony given by me at the time
11 and place specified hereinbefore.

12
13
14
15 _____
16 JACKSON Sturkey

17
18
19 Subscribed and sworn to before me
20 this ____ day of _____ 20__.

21
22
23 _____
24 NOTARY PUBLIC
25

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J. STURKEY
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PLAINTIFF'S EXHIBIT

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(Exhibits retained by Reporter.)

I N D E X

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| MR. CHUNG | 4 |
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J. STURKEY

C E R T I F I C A T E

STATE OF NEW YORK)
 : SS.:
COUNTY OF NASSAU)

I, DIONE WOODS, a Notary Public for
and within the State of New York, do hereby
certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and
that such examination is a true record of
the testimony given by that witness.

I further certify that I am not
related to any of the parties to this
action by blood or by marriage and that I
am in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 25th day of April 2023.

Dione Woods

DIONE WOODS

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Reference No.: 9462664

Case: JAMES vs PORT AUTHORITY POLICE DEPT.

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I have read the entire transcript of my Deposition taken in the captioned matter or the same has been read to me, and the same is true and accurate, save and except for changes and/or corrections, if any, as indicated by me on the DEPOSITION ERRATA SHEET hereof, with the understanding that I offer these changes as if still under oath.

Jackson Sturkey

NOTARIZATION OF CHANGES

(If Required)

Subscribed and sworn to on the _____ day of

_____, 20____ before me,

(Notary Sign) _____

(Print Name) _____ Notary Public,

in and for the State of _____

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Jackson Sturkey

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24 SIGNATURE: _____ DATE: _____
25 Jackson Sturkey

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